IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

WP(C).No. 27956 of 2007(C)

PETITIONERS:

1. JILO MATHEW, S/O MATHEW,
   AGED 28 YEARS, RESIDING AT KADAPLAKKAL HOUSE,
   KALKOONTHAL VILLAGE, IDUKKI DIST.

2. THOMAS @ KUTTIYACHAN,
   S/O JOSEPH , AGED 54, RESIDING AT MANNARATH
   HOUSE, KALKOONTHAL VILLAGE, IDUKKI DIST.

BY ADV. SRI.JOSEKUTTY MATHEW
SRI.N.P.PRAJEESH

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
   SECRETARY TO LOCAL BODIES ADMINISTRATION,
   THIRUVANANTHAPURAM.

2. NEDUMKANDAM GRAMA PANCHAYATH(SPECIAL
   GRADE0, NEDUMKANDAM P.O., IDUKKI DIST.,
   PIN- 685553, REPRESENTED BY ITS SECRETARY.

R1 BY ADV.SRI.K.J.MOHAMMED ANZAR, SR. GOVT. PLEADER.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 27956 OF 2007

Dated this the 20th day of September, 2007

JUDGMENT

Exts.P5 & P6 notices issued to the petitioners, who are constructing buildings within the area of the 2nd respondent Panchayat, are under challenge. The allegation, in these notices, is that the on going constructions are in violation of section 220 B of the Panchayat Raj Act. Learned counsel for the petitioner would submit that the constructions do not violate Section 220 B. I do not propose to go into the merits of the matter. It is open to the Petitioners to prefer an appeal to the Panchayat Council against Exts.P5 and P6. I relegate the petitioners to that remedy and dispose of the Writ Petition accordingly. However, demolition pursuant to Exts.P5 & P6 will be kept in abeyance for a period of six weeks from today.

PIUS C. KURIAKOSE, JUDGE

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